

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85336779
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
ARGUMENT(S)	
<p><u>Section 2(d)</u></p> <p>In the Office Action dated April 28, 2013, the Examining Attorney has raised an objection under Section 2(d), likelihood of confusion, citing the registered mark TURNTABLE LAB, no. 3266045, for “retail store services and online retail store services featuring electronic music equipment and accessories, audio and audiovisual recordings, and clothing.” Applicant respectfully disagrees with the Section 2(d) objection, because the cited registration differs from the pending application as to sight, sound and meaning and creates a different overall commercial impression.</p> <p>Specifically, Applicant notes that the common term “turntable” is generic for the goods sold under the registered mark – turntables – and was therefore <i>disclaimed</i> by Registrant in an Office Action response on July 24, 2006. TURNTABLE is therefore neither the dominant portion of the Registered Mark nor likely to give rise to any likelihood of confusion in connection with Applicant’s mark.</p> <p>It is well-settled that consumers would be more likely to perceive a fanciful or arbitrary term, rather than a descriptive or generic term, as the source-indicating feature of the mark. <i>See, e.g., In re Dixie Rests., Inc.</i>, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997) (affirming TTAB’s finding that “DELTA,” not the disclaimed generic term “CAFE,” is the dominant portion of the mark THE DELTA CAFE); <i>In re Binion</i>, 93 USPQ2d 1531, 1534 (TTAB 2009) (finding that “BINION’S,” not the disclaimed descriptive wording “ROADHOUSE,” is the dominant portion of the mark BINION’S ROADHOUSE).</p> <p>Where, as here, the common element of two marks is “weak” in that it is generic, descriptive, or highly suggestive of the named goods or services, it is unlikely that consumers will be confused unless the overall combinations have other commonality. <i>See, e.g., In re Bed & Breakfast Registry</i>, 791 F.2d 157, 159 229 USPQ 818, 819 (Fed. Cir. 1986) (reversing TTAB’s holding that</p>	

contemporaneous use of BED & BREAKFAST REGISTRY for making lodging reservations for others in private homes, and BED & BREAKFAST INTERNATIONAL for room booking agency services, is likely to cause confusion, because, inter alia, the descriptive nature of the shared wording weighed against a finding that the marks are confusingly similar); *U.S. Shoe Corp. v. Chapman*, 229 USPQ 74 (TTAB 1985) (holding COBBLER'S OUTLET for shoes, and CALIFORNIA COBBLERS (in typed and stylized forms) for footwear and women's shoes, not likely to cause confusion); *In re Istituto Sieroterapico E Vaccinogeno, Toscano "SCLAVO" S.p.A.*, 226 USPQ 1035 (TTAB 1985) (holding ASO QUANTUM (stylized, with "ASO" disclaimed) for diagnostic laboratory reagents, and QUANTUM I for laboratory instruments for analyzing body fluids, not likely to cause confusion). There is no such other commonality here. The only similarity is with respect to the disclaimed matter.

Additionally, the common portion of the cited mark and the pending Application, the term "turntable," is included in ten (10) current registered marks, see attached. The co-existence of these numerous marks without confusion is evidence that no confusion is likely as between the Registered Mark and the pending Application.

Further, Applicant's goods and services do not include any physical goods, but consist entirely of on-line products and services, thus distinguishing them from the goods and services sold under the Registered Mark. As is evident from the specimens submitted with the Registered Mark, see attached, TURNTABLE LAB is a physical bricks-and-mortar retail location that sells turntables. Even the website specimen submitted with the Registered Mark, see attached, shows only online sale of *physical goods*, i.e., turntables and stereo equipment, headphones, and "vinyl + CD" recordings. There is no support in the record for the Examining Attorney's supposition that "applicant and registrant each provide goods and/or services pertaining to the downloading and/or purchase of music and/or musical audio files." Registrant does not, according to the specimens it submitted, offer digital musical files.

Moreover, Applicant hereby agrees to amend its identification of goods and services as set forth below to delete any reference to the downloading and/or purchase of music and/or musical audio files, thereby obviating any asserted likelihood of confusion.

Accordingly, Applicant respectfully submits that the Section 2(d) objection should be withdrawn.

Identification of Goods and Services

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The Examining Attorney proposed to amend the description of goods and services to read as follows:

Downloadable software in the nature of a mobile application enabling users to listen to music, play music, comment on music, and buy music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music, in **Class 9**;

Retail store services featuring virtual goods, namely, avatars and related accessories **in the nature of [specify, e.g., clothing for avatars]** for use in an online community; **on-line**

retail store services featuring downloadable pre-recorded music, in **Class 35**;

Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services, in **Class 38**;

Entertainment services, namely, providing non-downloadable playback of music via global communications networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and music for purchase; entertainment services, namely, providing on-line, non-downloadable virtual avatars and related accessories **in the nature of [specify, e.g., clothing for avatars]** for use in virtual environments created for entertainment purposes, in **Class 41**;

Providing a website allowing users to upload and download music; providing a website that gives users the ability to purchase downloadable music; providing a website featuring technology that enables users to listen to music, play music, comment on music, and buy music, in **Class 42**.

Applicant agrees to delete the goods and services identified in Class 41 and Class 42 above, and to claim the following goods and services in Class 9, Class 35 and Class 38:

Downloadable software in the nature of a mobile application enabling users to listen to music, play music, and comment on music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music, in **Class 9**;

Retail store services featuring virtual goods, namely, avatars and related accessories for avatars for use in an online community; in **Class 35**;

Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services, in **Class 38**.

Applicant provides herewith the payment of application filing fees for two (2) additional international classes not covered by the fee already paid.

Conclusion

Applicant respectfully submits that the above response satisfies all outstanding requirements, and requests that the Application be approved for publication as amended.

EVIDENCE SECTION

EVIDENCE FILE NAME(S)

ORIGINAL PDF FILE	evi_389870226-162241760_.turntablespecimens.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT16\IMAGEOUT16\853\367\85336779\xml4\RFR0002.JPG

	\\TICRS\EXPORT16\IMAGEOUT16\853\367\85336779\xml4\RFR0003.JPG
	\\TICRS\EXPORT16\IMAGEOUT16\853\367\85336779\xml4\RFR0004.JPG
ORIGINAL PDF FILE	evi_389870226-162241760_.turntablecrowd.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT16\IMAGEOUT16\853\367\85336779\xml4\RFR0005.JPG
DESCRIPTION OF EVIDENCE FILE	(1) the specimens submitted in connection with the cited Registered Mark, No. 3266045; (2) TESS printout showing co-existence of other marks incorporating the term TURNTABLE.
GOODS AND/OR SERVICES SECTION (009)(current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
Downloadable software in the nature of a mobile application enabling users to listen to music, play music, comment on music, and buy music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music; Retail store services featuring virtual goods, namely, avatars and related accessories for use in an online community; retail store services featuring downloadable pre-recorded music; Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services; Entertainment services, namely, providing non-downloadable playback of music via global communications networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and music for purchase; entertainment services, namely, providing on-line, non-downloadable virtual avatars and related accessories for use in virtual environments created for entertainment purposes; Providing a website allowing users to upload and download music; providing a website that gives users the ability to purchase downloadable music; providing a website featuring technology that enables users to listen to music, play music, comment on music, and buy music	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (009)(proposed)	
INTERNATIONAL CLASS	009
TRACKED TEXT DESCRIPTION	
Downloadable software in the nature of a mobile application enabling users to listen to music, play music, comment on music, and buy music; Downloadable software in the nature of a mobile application enabling users to listen to music, play music, and comment on music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music; Retail store services featuring virtual goods, namely, avatars and related accessories for use in an online community; retail store services featuring downloadable pre-recorded music; Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services; Entertainment services, namely,	

~~providing non-downloadable playback of music via global communications networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and music for purchase; entertainment services, namely, providing on-line, non-downloadable virtual avatars and related accessories for use in virtual environments created for entertainment purposes; Providing a website allowing users to upload and download music; providing a website that gives users the ability to purchase downloadable music; providing a website featuring technology that enables users to listen to music, play music, comment on music, and buy music~~

FINAL DESCRIPTION

Downloadable software in the nature of a mobile application enabling users to listen to music, play music, and comment on music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music;

FILING BASIS	Section 1(b)
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GOODS AND/OR SERVICES SECTION (035)(class added)

INTERNATIONAL CLASS	035
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DESCRIPTION

Retail store services featuring virtual goods, namely, avatars and related accessories for avatars for use in an online community; on-line retail store services featuring downloadable pre-recorded music, in Class 35;

FILING BASIS	Section 1(b)
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GOODS AND/OR SERVICES SECTION (038)(class added)

INTERNATIONAL CLASS	038
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DESCRIPTION

Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services, in Class 38.

FILING BASIS	Section 1(b)
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NEW ATTORNEY SECTION

NAME	Robert Clarida
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FIRM NAME	Reitler Kailas & Rosenblatt, LLC
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INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	6221-00
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INTERNAL ADDRESS	20th Floor
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STREET	885 Third Avenue
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CITY	New York
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STATE	New York
ZIP/POSTAL CODE	10022
COUNTRY	United States
PHONE	(212) 209-3044
FAX	(212) 371-5500
EMAIL	rclarida@reitlerlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Turntable.fm, Inc. 532 Broadway, 3rd Floor New York New York (NY) US 10012
NEW CORRESPONDENCE SECTION	
NAME	Robert Clarida
FIRM NAME	Reitler Kailas & Rosenblatt, LLC
INDIVIDUAL ATTORNEY DOCKET/REFERENCE NUMBER	6221-00
INTERNAL ADDRESS	20th Floor
STREET	885 Third Avenue
CITY	New York
STATE	New York
ZIP/POSTAL CODE	10022
COUNTRY	United States
PHONE	(212) 209-3044
FAX	(212) 371-5500
EMAIL	rclarida@reitlerlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
PAYMENT SECTION	
NUMBER OF CLASSES	2

FEE PER CLASS	325
TOTAL FEES DUE	650
SIGNATURE SECTION	
DECLARATION SIGNATURE	/robert clarida/
SIGNATORY'S NAME	Robert Clarida
SIGNATORY'S POSITION	Attorney of Record, New York bar member
SIGNATORY'S PHONE NUMBER	(212) 209-3044
DATE SIGNED	10/28/2013
RESPONSE SIGNATURE	/robert clarida/
SIGNATORY'S NAME	Robert Clarida
SIGNATORY'S POSITION	Attorney of Record, New York bar member
SIGNATORY'S PHONE NUMBER	(212) 209-3044
DATE SIGNED	10/28/2013
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Oct 28 16:54:50 EDT 2013
TEAS STAMP	USPTO/RFR-38.98.70.226-20 131028165450683189-853367 79-500ff4980228999c5ee92f a790ee3116296a2d66afc8512 76f796926f6aeae48-CC-424 2-20131028162241760859

**Request for Reconsideration after Final Action
To the Commissioner for Trademarks:**

Application serial no. **85336779** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Section 2(d)

In the Office Action dated April 28, 2013, the Examining Attorney has raised an objection under Section 2(d), likelihood of confusion, citing the registered mark TURNTABLE LAB, no. 3266045, for “retail store services and online retail store services featuring electronic music equipment and accessories, audio and audiovisual recordings, and clothing.” Applicant respectfully disagrees with the Section 2(d) objection, because the cited registration differs from the pending application as to sight, sound and meaning and creates a different overall commercial impression.

Specifically, Applicant notes that the common term “turntable” is generic for the goods sold under the registered mark – turntables – and was therefore *disclaimed* by Registrant in an Office Action response on July 24, 2006. TURNTABLE is therefore neither the dominant portion of the Registered Mark nor likely to give rise to any likelihood of confusion in connection with Applicant’s mark.

It is well-settled that consumers would be more likely to perceive a fanciful or arbitrary term, rather than a descriptive or generic term, as the source-indicating feature of the mark. *See, e.g., In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997) (affirming TTAB’s finding that “DELTA,” not the disclaimed generic term “CAFE,” is the dominant portion of the mark THE DELTA CAFE); *In re Binion*, 93 USPQ2d 1531, 1534 (TTAB 2009) (finding that “BINION’S,” not the disclaimed descriptive wording “ROADHOUSE,” is the dominant portion of the mark BINION’S ROADHOUSE).

Where, as here, the common element of two marks is “weak” in that it is generic, descriptive, or highly suggestive of the named goods or services, it is unlikely that consumers will be confused unless the overall combinations have other commonality. *See, e.g., In re Bed & Breakfast Registry*, 791 F.2d 157, 159 229 USPQ 818, 819 (Fed. Cir. 1986) (reversing TTAB’s holding that contemporaneous use of BED & BREAKFAST REGISTRY for making lodging reservations for others in private homes, and BED & BREAKFAST INTERNATIONAL for room booking agency services, is likely to cause confusion, because, inter alia, the descriptive nature of the shared wording weighed against a finding that the marks are confusingly similar); *U.S. Shoe Corp. v. Chapman*, 229 USPQ 74 (TTAB 1985) (holding COBBLER’S OUTLET for shoes, and CALIFORNIA COBBLERS (in typed and stylized forms) for footwear and women’s shoes, not likely to cause confusion); *In re Istituto Sieroterapico E Vaccinogeno, Toscano “SCLAVO” S.p.A.*, 226 USPQ 1035 (TTAB 1985) (holding ASO QUANTUM (stylized, with “ASO” disclaimed) for diagnostic laboratory reagents, and QUANTUM I for laboratory instruments for analyzing body fluids, not likely to cause confusion). There is no such other commonality here. The only similarity is with respect to the disclaimed matter.

Additionally, the common portion of the cited mark and the pending Application, the term

“turntable,” is included in ten (10) current registered marks, see attached. The co-existence of these numerous marks without confusion is evidence that no confusion is likely as between the Registered Mark and the pending Application.

Further, Applicant’s goods and services do not include any physical goods, but consist entirely of on-line products and services, thus distinguishing them from the goods and services sold under the Registered Mark. As is evident from the specimens submitted with the Registered Mark, see attached, TURNTABLE LAB is a physical bricks-and-mortar retail location that sells turntables. Even the website specimen submitted with the Registered Mark, see attached, shows only online sale of *physical goods*, i.e., turntables and stereo equipment, headphones, and “vinyl + CD” recordings. There is no support in the record for the Examining Attorney’s supposition that “applicant and registrant each provide goods and/or services pertaining to the downloading and/or purchase of music and/or musical audio files.” Registrant does not, according to the specimens it submitted, offer digital musical files.

Moreover, Applicant hereby agrees to amend its identification of goods and services as set forth below to delete any reference to the downloading and/or purchase of music and/or musical audio files, thereby obviating any asserted likelihood of confusion.

Accordingly, Applicant respectfully submits that the Section 2(d) objection should be withdrawn.

Identification of Goods and Services

-
The Examining Attorney proposed to amend the description of goods and services to read as follows:

Downloadable software in the nature of a mobile application enabling users to listen to music, play music, comment on music, and buy music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music, in **Class 9**;

Retail store services featuring virtual goods, namely, avatars and related accessories **in the nature of [specify, e.g., clothing for avatars]** for use in an online community; **on-line** retail store services featuring downloadable pre-recorded music, in **Class 35**;

Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services, in **Class 38**;

Entertainment services, namely, providing non-downloadable playback of music via global communications networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and music for purchase; entertainment services, namely, providing on-line, non-downloadable virtual avatars and related accessories **in the nature of [specify, e.g., clothing for avatars]** for use in virtual environments created for entertainment purposes, in **Class 41**;

Providing a website allowing users to upload and download music; providing a website that

gives users the ability to purchase downloadable music; providing a website featuring technology that enables users to listen to music, play music, comment on music, and buy music, in **Class 42**.

Applicant agrees to delete the goods and services identified in Class 41 and Class 42 above, and to claim the following goods and services in Class 9, Class 35 and Class 38:

Downloadable software in the nature of a mobile application enabling users to listen to music, play music, and comment on music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music, in **Class 9**;

Retail store services featuring virtual goods, namely, avatars and related accessories for avatars for use in an online community; in **Class 35**;

Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services, in **Class 38**.

Applicant provides herewith the payment of application filing fees for two (2) additional international classes not covered by the fee already paid.

Conclusion

Applicant respectfully submits that the above response satisfies all outstanding requirements, and requests that the Application be approved for publication as amended.

EVIDENCE

Evidence in the nature of (1) the specimens submitted in connection with the cited Registered Mark, No. 3266045; (2) TESS printout showing co-existence of other marks incorporating the term TURNTABLE. has been attached.

Original PDF file:

[evi_389870226-162241760_.turntablespecimens.pdf](#)

Converted PDF file(s) (3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

Original PDF file:

[evi_389870226-162241760_.turntablecrowd.pdf](#)

Converted PDF file(s) (1 page)

[Evidence-1](#)

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 009 for Downloadable software in the nature of a mobile application enabling users to listen to music, play music, comment on music, and buy music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming,

broadcasting, transmitting and reproducing music; Retail store services featuring virtual goods, namely, avatars and related accessories for use in an online community; retail store services featuring downloadable pre-recorded music; Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services; Entertainment services, namely, providing non-downloadable playback of music via global communications networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and music for purchase; entertainment services, namely, providing on-line, non-downloadable virtual avatars and related accessories for use in virtual environments created for entertainment purposes; Providing a website allowing users to upload and download music; providing a website that gives users the ability to purchase downloadable music; providing a website featuring technology that enables users to listen to music, play music, comment on music, and buy music

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Proposed:

Tracked Text Description: ~~Downloadable software in the nature of a mobile application enabling users to listen to music, play music, comment on music, and buy music;~~ Downloadable software in the nature of a mobile application enabling users to listen to music, play music, and comment on music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music; ~~Retail store services featuring virtual goods, namely, avatars and related accessories for use in an online community; retail store services featuring downloadable pre-recorded music; Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services; Entertainment services, namely, providing non-downloadable playback of music via global communications networks; entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and music for purchase; entertainment services, namely, providing on-line, non-downloadable virtual avatars and related accessories for use in virtual environments created for entertainment purposes; Providing a website allowing users to upload and download music; providing a website that gives users the ability to purchase downloadable music; providing a website featuring technology that enables users to listen to music, play music, comment on music, and buy music~~

Class 009 for Downloadable software in the nature of a mobile application enabling users to listen to music, play music, and comment on music; computer software for streaming, broadcasting, transmitting and reproducing music; downloadable computer software for streaming, broadcasting, transmitting and reproducing music;

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant hereby adds the following class of goods/services to the application:

New: Class 035 for Retail store services featuring virtual goods, namely, avatars and related accessories for avatars for use in an online community; on-line retail store services featuring downloadable pre-recorded music, in Class 35;

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

Applicant hereby adds the following class of goods/services to the application:

New: Class 038 for Providing Internet chat rooms; providing on-line chat rooms for social networking; Internet radio services, namely, transmission of audio material via the Internet; Internet broadcasting services; Internet radio broadcasting services, in Class 38.

Filing Basis: Section 1(b), Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

ATTORNEY ADDRESS

Applicant proposes to amend the following:

Proposed:

Robert Clarida of Reitler Kailas & Rosenblatt, LLC, having an address of
20th Floor 885 Third Avenue New York, New York 10022

United States

rclarida@reitlerlaw.com

(212) 209-3044

(212) 371-5500

The attorney docket/reference number is 6221-00.

CORRESPONDENCE ADDRESS CHANGE

Applicant proposes to amend the following:

Current:

Turntable.fm, Inc.

532 Broadway, 3rd Floor

New York

New York (NY)

US

10012

Proposed:

Robert Clarida of Reitler Kailas & Rosenblatt, LLC, having an address of
20th Floor 885 Third Avenue New York, New York 10022

United States

rclarida@reitlerlaw.com

(212) 209-3044

(212) 371-5500

The attorney docket/reference number is 6221-00.

FEE(S)

Fee(s) in the amount of \$650 is being submitted.

SIGNATURE(S)

Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant has had a bona fide intention to use or use through the applicant's related company or licensee

the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii); and/or the applicant has had a bona fide intention to exercise legitimate control over the use of the mark in commerce by its members. 37 C.F. R. Sec. 2.44. If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods and/or services listed in the application as of the application filing date or as of the date of any submitted allegation of use. 37 C.F.R. Secs. 2.34(a)(1)(i); and/or the applicant has exercised legitimate control over the use of the mark in commerce by its members. 37 C.F.R. Sec. 2.44. The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /robert clarida/ Date: 10/28/2013

Signatory's Name: Robert Clarida

Signatory's Position: Attorney of Record, New York bar member

Signatory's Phone Number: (212) 209-3044

Request for Reconsideration Signature

Signature: /robert clarida/ Date: 10/28/2013

Signatory's Name: Robert Clarida

Signatory's Position: Attorney of Record, New York bar member

Signatory's Phone Number: (212) 209-3044

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Mailing Address: Robert Clarida
Reitler Kailas & Rosenblatt, LLC
20th Floor

885 Third Avenue
New York, New York 10022

RAM Sale Number: 85336779
RAM Accounting Date: 10/29/2013

Serial Number: 85336779
Internet Transmission Date: Mon Oct 28 16:54:50 EDT 2013
TEAS Stamp: USPTO/RFR-38.98.70.226-20131028165450683
189-85336779-500ff4980228999c5ee92fa790e
e3116296a2d66afc851276f796926f6aeae48-C
C-4242-20131028162241760859

TURNTABLE LAB LA

424 1/2

TRAHT





TURNTABLE LAB
where the world takes its music

5 DAY 40% OFF CLOTHING SALE
USE CODE: 40x5

account login 0 items \$0.00

TURNTABLE LAB STORES IN NEW YORK AND LOS ANGELES

DJ+PRODUCTION TURNTABLE+STEREO HEADPHONES VINYL+CD
CLOTHING DESIGN BRANDS



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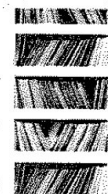
hours:
M-F 1-9pm, Sat 12-8pm, Sun
12-8pm

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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	86028833		TURNTABLE HEALTH	TSDR	LIVE
2	85336779		TURNTABLE	TSDR	LIVE
3	85549181	4225068	HAVE TURNTABLES WILL TRAVEL DISC JOCKEY & MUSIC ENTERTAINMENT SERVICE	TSDR	LIVE
4	85527840	4202265	TURNTABLE	TSDR	LIVE
5	85144399	4126305	TURNTABLE	TSDR	LIVE
6	85165081	4086261	YOUR TURNTABLE'S NOT DEAD	TSDR	LIVE
7	79026295	3418481	PLATINE VERDIER	TSDR	LIVE
8	78663026	3266045	TURNTABLE LAB	TSDR	LIVE
9	78804319	3253232	AMERICAN TURNTABLE WWW.AMERICANTURNTABLE.COM	TSDR	LIVE
10	77924360	3926816	HAPPYTURNTABLE.COM	TSDR	LIVE
11	77559938	3700098	CREATIVE TURNTABLE	TSDR	LIVE
12	76298793	2722334	DIGITAL VINYL TURNTABLE	TSDR	LIVE

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RAM SALE NUMBER: 85336779
RAM ACCOUNTING DATE: 20131029

INTERNET TRANSMISSION DATE:
2013/10/28

SERIAL NUMBER:
85/336779

Description	Fee Code	Transaction Date	Fee	Number Of Classes	Total Fees Paid
New App	7001	2013/10/28	325	2	650